FILED

UNITED STATES DISTRICT COURT

07 OCT 30 PM 12:06

CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

ARREST ON OUT-OF-DISTRICT OFFENSE

CASE NUMBER: '07 MJ 2561

The person charged as UBENCE, Jose now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Eastern District of California on 9/20/07 with: **Escape**, in violation of: Title 18 Section(s) 751

The charging documents and the warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 10/30/07

Gerald Davis
CI -Deputy United States Marshal

Reviewed and Approved

DATE:

Assistant United States Attorney

AO 442 (Rev 5/93) Warrant of Arrest

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

JOSE UBENCE

WARRANT FOR ARREST

CASE NUMBER: 1:07-mj-216-SMS

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOSE UBENCE
(Name)

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

__Indictment __Information _X_Complaint __Order of the Court __Violation Notice __Probation Violation Petition

charging him or her with *(brief description of offense)*

Escape

in violation of Title 18, United States Code, Section(s) 751

Honorable Sandra M. Snyder
Name of Issuing Officer: (*)

Magistrate Judge
Title of Issuing Officer: (*)

[signature] S M Snyder
Signature of Issuing Officer

September , 2007, Fresno, California
Date and Location

Bail fix at $ NO BAIL

by Honorable Sandra M. Snyder
(Name of Judicial Officer)

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at ______________.		
Date Received	*Name and Title of Arresting Officer*	*Signature of Arresting Officer*
Date of Arrest		

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

UNITED STATES OF AMERICA

v.

JOSE UBENCE

FILED
SEP 20 2007
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

CASE NUMBER: 1:07-mj-216-SMS

(If search warrant is issued regarding this complaint, indicate above the case number assigned.)

I, Christopher D. Gabor, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 7, 2006, in Kern, in the Eastern District of California, and elsewhere,

The defendant knowingly escaped from an institution or facility in which he is confined by direction of the Attorney General

in violation of Title 18, United States Code, Section(s) 751(a), with a maximum penalty of 5 years imprisonment, $250,000 dollar fine, and $100 penalty assessment.

I further state that I am a Criminal Investigator, Deputy United States Marshal **and that this complaint is based on the following facts:** *(Official Title)*

See Attachment A.

Continued on the attached sheet and made a part hereof: X Yes __ No

Signature of Complainant
Christopher D. Gabor, DUSM

Sworn to before me and subscribed in my presence,

September 20, 2007 **at** Fresno, California
(Date) *(City and State)*

Honorable Sandra M. Snyder
U.S. Magistrate Judge
(Name & Title of Judicial Officer)

(Signature of Judicial Officer)

AFFIDAVIT

I, Christopher D. Gabor, United States Marshals Service Criminal Investigator, being sworn, deposes and states the following:

1. I am a Deputy United States Marshal, Criminal Investigator, United States Department of Justice. I am presently assigned to Fresno, California and am assigned to the escape investigation of Jose UBENCE.

2. Jose UBENCE was charged in a single-count information in the Sothern District of California with the Importation of approximately 81 kilograms of marijuana on January 12, 2006. On or about March 27, 2006, UBENCE was sentenced to the custody of the Bureau of Prisons for a term of eighteen months. On May 12, 2006. The defendant surrendered himself to commence service of his sentence. UBENCE was being housed at the Federal Corrections Institution, Taft, in Kern County. On December 7, 2006, at approximately 10:50 a.m., prison personnel conducted a head count and discovered that UBENCE was not in his cell. A search of the FCI Taft grounds revealed that UBENCE was not on the premises.

3. Therefore, I believe that probable cause exists to believe that Jose UBENCE did knowingly escape from an institutional facility in which he was lawfully confined at the direction of the Attorney General, in violation of Title 18, United States Code, Section 751(a)

CHRISTOPHER D. GABOR
CRIMINAL INVESTIGATOR
UNITED STATES MARSHALS SERVICE

SWORN TO BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 20th DAY OF SEPTEMBER, 2007.

Honorable Sandra M. Snyder
United States Magistrate Judge

Reviewed and approved as to form:

/s/ Kathy Servatius
Kathleen Servatius
Assistant United States Attorney